

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Melvin Adolph Neva,

Defendant.

CR 15-1000-TUC-JAS (BPV)

ORDER
CONTINUING PLEA DEADLINE
AND TRIAL

This case is presently set for trial on January 5, 2016. The Defendant filed a motion to continue and, for the reasons set forth therein, additional time is required to adequately prepare for trial. The Government has no objection to a continuance.

The Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and the Defendant in a speedy trial because, for the reasons set forth in the motion, failure to grant the continuance is likely to result in a miscarriage of justice if the Defendant is required to go to trial on the present trial date.

IT IS ORDERED as follows:

1. The date by which the referred magistrate judge hears the change of plea must be no later than February 19, 2016 by 3:00 p.m.

2. Pretrial motions shall be heard before a magistrate judge and a Report and Recommendation will be provided to the district judge assigned to the case.

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1 3. As this fourth motion to continue the trial is subsequent to the issuance of a
2 scheduling order, this matter is referred to the magistrate judge to set and hold a status
3 conference. Any currently pending motion to continue discovery or the pretrial motions
4 deadline is DENIED WITHOUT PREJUDICE with leave to re-urge, orally, before the
5 magistrate judge at the status conference.

6 4. This matter is RESET for trial on **March 8, 2016 at 9:30 a.m. Counsel are to**
7 **be present at 9:00 a.m.**

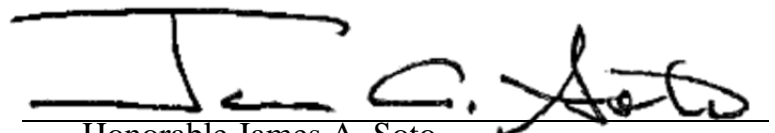
8 5. Excludable delay under 18 U.S.C. §3161(h)(7) is found to commence on
9 January 6, 2016 and end on March 8, 2016. Such time shall be in addition to other
10 excludable time under the Speedy Trial Act and shall commence as of the day following
11 the day that would otherwise be the last day for commencement of trial.

12 6. That any and all subpoenas previously issued shall remain in full force and
13 effect through the new trial date.

14 7. **Any motion or stipulation to continue the scheduled trial date and change**
15 **of plea deadline shall be filed with the Clerk of Court no later than 5:00 p.m.,**
16 **Monday, February 22, 2016. Alternatively, by that same deadline, if after**
17 **consultation between government and defense counsel it is determined that a motion**
18 **to continue the scheduled trial date and change of plea deadline will not be filed,**
19 **government counsel shall notify the Court by an email to the chambers email**
20 **address that the case and counsel are ready to proceed to trial on the scheduled trial**
21 **date. The notification shall also include the estimated number of trial days needed**
22 **to complete the trial.**

23 Dated this 21st day of December, 2015.

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Honorable James A. Soto
United States District Judge